PF 1090693

G. R. S. IX-5]

Previous references.

1892-93
~~192~~.
(R.R. Lacca)

File No. 167-92

Serial Nos. 1 — 11

Later references.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1 — 11

Major ~~Extr~~ B for January 1895

SUBJECT.

Appeal of Subbe Gowda regarding the Pateli of Moogoor, in Inamakoodlu Narasipur Taluk

Interested Party
Countermanded

WD 2233—GPB—20,000—14-6-20

A. S. No. 16/92-93 Proc

Petitioner	Counter petitioner
Soobbeforda	Mada Selly
Hotel of Inoofoor	Hotel of Inoofoor.

Referred by Soobbeforda of Inoofoor.
T. Narsipur Taluk against the order of the Dy. Commissioner, Mysore District in Rev. Appeal No. 12 of 1892-93 preferred the Hotel of the said Village.

In the Hotel Mufel Register of 1875 the Asst. Dy. Commissioner Capt. Chain remarked that Inoofoor being a large village with a large population two hotels were necessary and that in addition to Mada Selly the Existing Hotel, Soobbeforda aged 35 years and a Savacher by caste was to be recommended.

Port the case for hearing on merits on both parties ad 2/2/94

Mada Selly and Soobbeforda having submitted petitions on the subject to the Dy. Commissioner they were sent to the Amildar Tallak Taluk for report on the necessity of having two hotels at Inoofoor and also on the qualification and claim of the caller for appointment.

No. 239 of 12 June 95

The Amildar in submitting the report called for observed that the Chief Cause for Capt. Chain's nomination of another hotel to the Village during Jamabandi was to prevent irregularities and fraud in the collection of Sayer Revenue which was

to have fallen through from committed by Patil Nanda Selly.

On this Capt. Hill the Dy. Comr. proved that there was no ground to interfere with Capt. Shaw's decision as he was then acting as Dy. Commissioner 18-6-75.

Thereupon the Amildar submitted for sanction for the nomination of two patels for the village situated the same to the Collector and directed him to take the work from both of them and Soobhee Sowda was also directed in Muktum no. 173 to see that Sayer Revenue which had fallen brought to its normal state. No. 65 of 22-6-75

On the 24th August & on the 27th October 75 the villagers of the above village submitted petitions to the Commissioner Ashtagram Division some praying for the removal of Soobhee Sowda and some for his retention in office

These were referred to the Dy. Comr. for report who in his docket no. 281 reported that Nanda Sette another Patel of the village had been committing fraud in the collection of Sayer Revenue, that this was not a close to the agitation on the appointment of Soobhee Sowda who was not only paying large amount of Kandayam but also a reliable man and conducting Government duties properly, and that this complaint was mainly due to enmity and instigation.

The Division Commissioner having replied this furnished Endorsement to Comrs and asked the Dy. Commissioner No. 431 of 2-2-76

to warn Subbiesowda to proceed against similar complaints being lodged against him. This was given effect to vide Dy. Jones No. 727 of 21 February 76.

When the Sub Inspector of Police enquired to know of which of the two hotels of the Village had been selected for police duty the Amildar informed him that Imada Selli being an old hotel he was detailed to perform as usual the duties connected with the collection of revenue dues and Subbiesowda having been appointed subsequent to the organization of the Village Police he was directed to look after the Police duty. This was duly intimated to the Sheikdar and Hotel Imada Selli in Endorsement Numbers Nos. 854 and 184 of 1 and 2nd December 76 respectively.

Subsequently some correspondence having taken place about this matter in the Judicial Department in course of which the Amildar having suggested to the Sub Divisional Officer Ranipet that as proposed by the Sub Inspector of Police Circle should not be apportioned among the Hotels but that they should be allowed to continue to perform the duties they have hitherto been doing, the above officer accorded sanction to the Amildars proposal in Endorsement No. 414 agreeably to which above the Amildar issued Talikas to the Sheikdar and the Hotels

No. 91 of 9-3-77

No 143 of 10-4-77.

On the 26 January 78 Subbiesowda submitted a petition to the Amildar Tallad Zaluk complaining that the Sheikdar directed him that as Imada

had furnished Security he should not
keep with him the Collections he had
made but should be paid to them and
requesting that he may be permitted
to Collect the Revenue and remit the
same to the Treasury. In reply he was
furnished with Endorsement Hukkum No. 37 of 26-1-78
intimating that Shekdar was directed
to take all work from both polels as ordered
by the Ranjangode Sub Division officer.

On the 30th March 79 the Amildar directed
the Subbefowda in his Hukkum No. 6
that as large outstandings of Revenue
had remained uncollected owing to the
absence disobedience &c. of the Shanbogue
he should cooperate with the other Potel
and the Shanbogue and collect and remit
the same to the Treasury within the 3d April
and that this would be a best opportunity
to prove his efficiency.

Subbefowda having presented a complaint 31-5-81
to the Amildar that the Shekdar directed him
to hand over the register of births & deaths to
Potel Madadelly that it was not proper on
the part of Madadelly to say in the face of
the Ranjangode Sub Division officers
Hukkum No. 6/14, that he should not perform
the Revenue work and requested that on
perusal of the previous records the above
Register might be ordered to be restored
to him. The Amildar ordered therein that
the Mamulu should furnish references.

Potel Subbefowda having brought a
Vedion of Rs. 705-2-2 with a separate
Pavar Chit paid for credit in the Treasury

Huttum no. 466/29-12-81

the Amildar directed the Shekdar that these collections should be entered in the Kirdi and that the Potel should be asked that he should not make any collections until further orders.

Whereupon Subbesowda presented a petition to the Amildar requesting that on perusal of the previous records submitted by him he might be permitted to continue to do all the duties connected with the office of Potel.

No. 39/24-1-82

In reply he was furnished with endorsement to the following effect

The Police Inspector having carried on correspondence that of the two potels allotted to Hooppor Village one should be detailed for the Police and the other for the revenue work, Amildar Shek Ibrahim suggested that the potels might be allowed to continue to do government duties as hitherto. The Sub division officer Ranjangode having concurred with the Amildar sanctioned his proposal - agreeable to the above order the Amildar received the same agreeable order No. 43 directing him to attend to Police, revenue and all other government duties. He should continue to do the same duties now.

10-4-77

On the 14th April 92 Potel Mada Setti & others requested the Amildar T. Narsipur Taluk that as Shanboga Sreekantiah and Potel Subbesowda were by and persistently interfere with

thus impede the Collection work they
should be directed to desist from doing
so.

The Amildar thereupon having Enquired
into the matter reported to the Sub Assistt.
Commissioner to the effect that in anticipa-
tion of Sanction he suspended the Police
Patel Subbesonda for not only interfering
with on his own responsibility and thus
impeding the Collection work but also
for conducting the Same business in his
house -

On this the Sub Assistant Commissioner
ordered as follows: - No. 155 of 26-4-92.

There are not Sufficient grounds to Sus-
pend him. The Patel had appeared before him
and Stated that he would not disobey the orders
of the Amildar, that previous to the issue of
the order he did collect the revenue in his
house, but that he would in future carry
on this and other duties in the Chavadi, that
he was not appointed Simply a Police patel
and that it was for has been previously
settled that he should perform all the
duties of a patel. In proof of this he Sub-
mitted References which are Sent herein
for information and return. From this
it cannot be Stated that he was appointed
a Police Patel only and he was not correct
to say so in his report. It has been pre-
viously ordered that himself and Mada
Selly should jointly conduct the Patels
duties His Suspension is therefore can-
celled. Moolloor being a large Village
the Collection and other work should be
taken from both of them as usual.

and resided & shown that he was recognised as Patel and that he was doing duties as such

7. There are instances of two Patels for a Village and the Diwan has sanctioned the appointment of two Patels for a Village.

8. The grandfather & father of the Petitioner were Patels (then called Parpattegars) of Thodur since 1836. The Petitioner Subbiah owns and the Counter Petitioner Nanda Setty is tenant.

9. The Petitioner was appointed as Patel and not as Sayer Patel as mentioned by the Dy. Commissioner

10. The Dy. Commissioner erred in holding that the Petitioner did not attend to revenue collections except one or two years.

11. The Counter Petitioner & not the Petitioner kept Bounds Register.

12. There was no regular Enquiry, nor was any Evidence taken by the Asst. Commr. in charge of the Taluk on the question of Patelship

BK

Extract from the Canarese precis prepared at the Dy. Comrs. office.

On referring to the Pahani, Kamashumari & Kirdi registers it is seen that Subbeswara's signatures are not to be found in any one of them, that those of Nadu Settys are found in the Kirdi from 1875-76 to 1890-91 (i.e. 13 years of which Kirdis for two years had not been received) and also in Pahani registers of 4 years. A list showing details is attached to the file.

Subbeswara & Chanbasappa's signatures are found in the receipts issued in 1877-78 & 1881-82 to some of the heads for payment of revenue. On seeing into the truth of the matter Kirdis for the above years were not produced by Subbeswara the registers of births & deaths from 1881-82 to 1891-92 were produced by Subbeswara. In them his signatures were found. A list showing details is attached to the file.

The Advocate on behalf of the appellant Nadu Setty has referred to Govt. decision No. 3628 of 24-6-91 regarding Pahalli Patel of Seringapatam directing that it is not proper to have two patels for a village as applicable to his case.

Subbeswara has submitted a ~~statement~~ copy of Rev. Dep. No. 371 of 31-3-85 as applicable to his case.

He has also submitted a statement showing the collection & remittance of Rs. 1376-14-~~0~~ 4 he made to Treasury in 1882.

M 112 of 1893

Appt
Subbegowda
of Mugur
Ramakrishna
Narasimhaiya
Hegade

Respt
Madalle

Respt was the hereditary Patail of Mugur, but in 1875 the then Dy Comr of the District appointed appt — a stranger — ~~was appointed~~ as 2d Patail — It would seem in case where such order was recommended", but ~~that~~ the Hill the permanent Dy Comr took the order as an appointment made, & ~~declined to interfere~~ in 1876 — The Divisional Court accepted the view & appt has been since performing some of the duties of the office, but quarrels arose as to the duties each should perform, & the matter having come before the Dy Comr, he decided on June 1893 that Respt alone should remain in office.

1

that applts claims
would be considered
jurisdictional village
settlement village
is divided into 2
charges. The appeal
against the order

Govt consider
that the Dy Comr was
not justified in
dispensing with the
services of the appellant who was appointed so
Both the parties should long ago as 1875.?
remain in office till
the Potgi settlement
is made. ~~undisputable~~ The duties of the
~~division of duties~~ office be divided
~~made~~ between the two Patels
with reference to para 2
of Govt Pro dy 30 Jan 1894.

3/3/94

Mr Rogers
Dy Comr Dharwar
orders have been
issued

Memo

Petitioner Subbé Gowda is a Joint Poleil of Inugur, T. Narsapur Taluk, The following are the circumstances under which he was so appointed according to the statements contained in his petition dated 10th February 1876

"The Sayer collections of the Inugur Village having fallen in 1875, the Curnam enquired who the Poleil was and was informed that the Petitioner's father and Grandfather who were the rightful Poleils had, for some reason not known, given up the Poleiship that one Madasbetty had in consequence been appointed Poleil in 1862. Captain Shaw the then Collector Officer ordered in 1875 that the Petitioner should be the Poleil. Madasbetty complained, when the order was modified to the extent that both Madasbetty & himself should jointly do the duties of Poleil. This they did until 1893, when on the complaint of Madasbetty again

the person appointed in 1862, the then
Melady Commissioner (Rao Rungaswamy
Iyengar) ordered summarily that
immediately, should ~~also~~ come
be the Pollard until the survey Settle-
ment, when, if the village should
appear to be divided into two
shares, the advisability of entrusting
only one of them to the Settlement
should be considered.

Against this order of the D.C.
certain persons the Petitioner appealed
in 1893. The Govt.
order was that, ~~the~~ both the Petitioner
the Petitioner who was appointed
by Capt Cheek in 1875, should
do the duties of Pollard until the
Public Village Settlement &
that their relative duties should
be defined according to the
instructions contained in Para
3 of Govt. Proceedings
No. 1026-75 of 3rd January
R105'5
1894. The following is an
extract from the Proceedings

" Where there are two Mudaliars for a single village the Deputy Commissioners may appoint two Police Officers one for Revenue duties & the other for Police duties "

Thereupon the Amildar was directed by the Deputy Commissioner to allot work between Madasletty & Subbegowda in accordance with the Government orders with reference to Para 3 of the Government Proceedings above quoted. The Amildar sent for the parties & asked Madasletty to take up the Police work. Then Madasletty ~~refused~~ persistently declined to do on the ground of inability. On the other hand the petitioner expressed his willingness to do both the Revenue & the Police work of the village. The matter was then reported to the Deputy Commissioner (Mr Rangaswamy Iyengar) who

ordered in 1894 that Madashetty should do the Revenue and the Petitioner the later man, the Police Work of the Village. The Amildar reports (please vide the Dep^ty Commissioner's report of 11th August 1896) that both of them have been doing duties as thus directed. The Petitioner complains against this distribution of work & the consequent limitation of his powers, on the ground that he alone of the two, is the Hakdar & Madashetty the new person appointed in 1862.

Submitted with the present Dep^ty Commissioner's Report & the records of the case

B.G.
20/8/96

Mugur is stated to be a large village with a revenue of Rs. 6375-10-1 & a population of 3757

[illegible] orders

[illegible] 21/8

(Cont. from the Dy Commr's letter of a Patel Madanelly (Vide next page))

Memo

On the Police of Mugur
T. Narsipur Taluq

Submitted with records
File No 108
20/8/96

Madanelly should be ~~refunded~~ dealt with as being unfit to remain as Patel. It is not right that Subbegowda should be deprived of the work he was doing efficiently till then. Moogoor is a large village with a revenue of 6375 & a population of 3757. Soobbegowda is a known & respectable person having local influence. He should be put in charge of the Revenue & Madashetty being deputed to do the Police duties. A report should be submitted six months hence as to how Madashetty will do his work if deemed necessary.

(initials)
21.8.96

Submitted with reference to the 2nd & 3rd councillors order on the abstract of patels 2881 of 10-2-96

17/8

The order was
Call for report with record
& enclosures to be submitted herewith

19/8
19/8

REVENUE DEPARTMENT
G.O. No. 1254
1896
15 AUG 96
DEWAN'S OFFICE

From

The Deputy Commissioner
of the Mysore District.

To

The Secretary to the Government of Mysore,
Revenue and General Departments.

Dated 11th August 1896.
Despatched
Received

Enclosures No. Petition No. 2881 with 1 En. and Record.

No. 294

(Reporting on the petition of Subbegowda of Muguru regarding the patelki of that village. —

Captain Shaw's order appointing Subbiah as patel on the ground that his father & grandfather officiated as patels was affirmed by Govt. This appeal was brought about because I was found that Madanna was not doing his duties properly — even in connection with the Saloon collections duties, when the dealers were distributed between them in accordance with the order on the ground that the Police work on the ground of his inability to do the duties of the legitimate duties of the legitimate patel. If he is unable to do any portion of this (vide previous page)

J. Pet. No. 1578/96
15/8/96
Read 17/8.

Submit with reference
17/8
Note. Please put up complete records

17/8
The file relating to the subject is put up.
17/8

are herewith returned. —

I have the honor to be
Sir,
Your most obedt servant

Deputy Commissioner
Moore District

Council case
R. A. Appl. Rules

Stamp difficient
Copy of order produced
in time.

Proceedings to be called for
[illegible]
[illegible]

(General Serial No. 32.)

1893. (2)

No. 2085

Name of Petitioner. Subba Gowda
(by Advocate Mr. S. Ramaswamy Iyer)

Village. Moogur

Taluk. T. Narsipur

District. Mysore

Date of Arzi. 13/2/93

Date of Receipt 15/2/93

Date of Disposal.

No. of Enclosures. 1

ABSTRACT.

Petitioner appeals against the Mysore Dy. Comm's order of 3.1.93. passed in Revenue Appeal No 12 of 92-93, in re the Patel of Moogur.

S.S. 15/2

Central Press Bangalore.—7-9-92,—1000.

Pet 1127

20-2592

MYSORE DEWAN'S OFFICE, 7-3-93

PETITION DEPARTMENT.

(3)

OFFICIAL MEMORANDUM.

The accompanying Petition No. 2085

dated 13-2-93 received at the

Dewan's Office from Subbe'gowda Mooguru T. narsipur Taluk appealing against the Dy Commrs order in Rev. appl. No 12 of 1892-93 reversing Patell of the said village.

is forwarded, together with its 11

enclosures, to the Deputy Commrs Mysore District for submission of proceedings with a report on the facts of the case and on the points taken in the petition.

2. The petition with its enclosures should be returned

The appeal relating to the Chowkhoji has been disposed

The records relating to the Patell which are mixed up with those relating to the Shanbhogi should be carefully separated and put up with this and a precis thereof prepared at an early date.

Posted to 1-3-94. for hearing Notices to be issued to both parties.

By Order,

(Draft.) Mrk 3/3

for Chief Secretary.

BANGALORE, 3 March 1893

M. G. C. P. Bangalore.—21-11-92—3,000.

Heard & Decided by 1263 of 31-3-93

(General Serial No. 30.)

1893 11827 17 APR. 93 Pot 483

(41)

From

The Deputy Commissioner
Mysore District.

To

The Chief Secretary to the Dewan
of Mysore.

Dated 31st March 1893

Despatched 15th April 1893.

Received

Enclosures No. Petitions Nos 1195 & 2085 with enclosures = 15 and Canarese file as per list

General No.
No. 1263.

Submitting as called for the records connected with the cases of disputes between the Shanbogs and Patels of Nagur, Kooma Kudlu Narsipur Taluk.

Postponed
MRM
17/4

Posted to 5th October 1893

Adjourned 5-23--11--93.
MRM

M. G. C. P. Bangalore.—27-1-93.—5,000.

No. 1263.
En. Petitions
Nos. 1195 & 2085
with enclosures
15
& Canarese file

From

DEPUTY COMMISSIONER'S OFFICE,
MYSORE DISTRICT,

Dated Mysore 31st March / 15th April 1893.

(4)

A Rangaswamy Iyengar Esquire
Deputy Commissioner,
Mysore District.

To

The Chief Secretary to the Dewan of Mysore,

SIR,

With reference to your Memoranda Nos. 630 and 1127 dated 27th November 1892 and 6th March 1893, respectively, asking for submission of proceedings in the cases of disputes between the Shanbhogs and Patels of Mugur, I have the honor to submit herewith the entire records connected with both the cases, and to state that the English Judgments and the Canarese precis filed with the Proceedings will explain the circumstances of both.

The petitions received with the Memoranda under reply are herewith returned.

I have the honor to be
Sir,
Your most obedt Servant

A [illegible]
Dy Commissioner
Mysore District

Comm
[illegible]
MM

Two rupees Stamp

MYSORE DEWAN'S OFFICE
PETITION DEPARTMENT
REG'D. NO. 20852
DATE 13/2/93

Petitioner
Subbe Gowda
Patel of Mogur

Counter Petitioner
Madu Setty
Patel of Mogur

Subbe Gowda Patel of Mogur most humbly begs to present this petition against the Order passed by the Deputy Commissioner Mysore District Dated 3rd day of January 1893 in Revenue appeal No. 12 of 92-93. On the following grounds:—

1 There was no Complaint or dispute about Patelship and the question was unnecessarily moved by the Amildar in a dispute between the two Shanbogues of the village.

2. The Assistant Commissioner did not appoint the Petitioner as joint Patel but only regulated as to how the two Patels were to do their duties.

3 The Counter Petitioner appealed against the

the Order of the Assistant Commissioner directing the two Patels to do the duties together and not against the Order appointing the Petitioner as joint Patel as there was no such Order and as no question arose.

4 The Deputy Commissioner overlooked the fact that the Counter Petitioner was a minor that the Petitioner was Patel and contended that he was Police Patel and not Revenue Patel

5 The Petitioner was appointed as Patel by Captain Shaw. This appointment was confirmed by the Deputy Commissioner on 15th June 1875. and he continued to do duties of Patel since then.

6 The Petitioner has produced Orders to prove, and registers to show that he was recognize as Patel and that he was doing duties as such

7 There are instances of two Patels for a village and the Dewan has sanctioned the appointment of two Patels for a village.

8 The grand father & father of the Petitioner were Patels (then Called Parpathegars) of Hooger since 1836 the Petitioner — Subbegowda not the Cr Petitioner — Madegowda is the Patel —

9. The Petitioner was appointed as Patel and not as Lag or Patel as mentioned by the Deputy Commissioner.

10. The Deputy Commissioner erred in holding that the Petitioner did not attend to Revenue Collections except one or two years.

11 The Counter Petitioner and not the Petitioner kept proper register.

12. There was no regular enquiry & no was any evidence taken by the Assistant Commissioner in Charge of the Taluq on the question of Patel duty.

Dt 13th Febry 93 } Shamrao Vithal
Bangalore } Advocate for Petitioner

Before the Government of *His Highness* the Maharaja of Mysore.

Appeal No. 116 of 1892-93.

L.R 167-92
824

Appellant. Vs. Respondent.

Subbe Gowda
of Mugur, Terumakundla
Narasipur, Taluk. Mysore District
(by Mr. S' Ramaswamier
Advocate)

Madsetty
(by Mr. C. Subbapattiya
Barrister at law)

Decision. 4th March 1894.

Respondent was the hereditary
Patail of Mugur, but in 1875
the then, acting Deputy Commissioner
Captain Shaw, appointed Appellant
- a stranger - as 2nd Patail.
The word used in Captain Shaw's
order was "recommended", but
Col. Hill, the permanent Deputy
Commissioner, took the order as
an appointment made, and the
Revision Commissioner, accepts
the view in 1876. Appellant
has been since performing
some

some of the duties of the office,
but quarrels arose as to the duties
each should perform, and the
matter having come before the
Deputy Commissioner, he decided
in January 1893 that Respondent
alone should remain in office,
and that Appellant's claims
would be considered, if in the
Pakka Patagi Settlement the
village is divided into 2 charges.
The appeal is against this order

2 Government consider
that the Deputy Commissioner
was not justified in dispensing
with the services of the appellant
who was appointed so long ago
as 1875. Both the parties
should remain in office till
the Patagi settlement is made,
the duties of the office being
divided between the [redacted]

two

27

Two Patails with reference to

GOVERNMENT OF MYSORE

9 para 3 of Government Proceedings

dated 3rd January 1894.

By order

4/4/94

Jt Chief Secretary

15750 D 15-3-94

~~P.~~ 93

Copy forwarded to the Deputy

Commissioner Bangalore District,

with the proceedings received

with his no. 1263 D 31-3-93

By order

Jt Chief Secretary

MM.

No. 2085
As no 116.

MYSORE DEWAN'S OFFICE,
PETITION DEPARTMENT,
15th March 1894.

Endorsement granted to Subba Gowda of Mugur, T Narasipur Taluk (by Mr. S Ramaswamier, advocate)

in reply to his Petition Registered No. 2085 As 116 dated 13th February 1893

appealing against the decision of the Deputy Commissioner Mysore District regarding the Patailig Mugur

Petitioner is ~~informed that~~ referred to the Deputy Commissioner Mysore District, to whom orders have been issued

The enclosures are returned

"By Order"

Chief Secretary.

Mysore Govt. Central Press, Bangalore—9-2—2000.

Subbe

1895-96

No. 2881. (8)

Name of Petitioner, Subbe Gowda, Patel of

Village, Inugurn

Taluk, T. Narsipur

District, Mysore

Date of Arzi, 10-2-96

Date of Receipt, 14-2-96.

Date of Disposal,

No. of Enclosure, one

Appeal against Dy Cr's order directing that as there were two joint Patels for the Village, the Pat[r] whose appointment was the later one shd get the Police work & the other the Revenue work & that if Pat[r] wd not take up Police work, the other Patel (Madaiyalla) shd have charge of both Depts & if he did not agree, a stranger shd be appointed.

The Dy Cr's order was passed in Aug[t] 1894 & so the appeal is out of time.

Petn duly stamped.

Submitted to the Hon'ble Councillor for orders—

24/2/96

Call for report with record

Mad 4/2/96

2-3-96

ABSTRACT.

Appeals against the order of the Deputy Commissioner, Mysore District, which stands as follows:

"Since the appointment of Subbe Gowda is a later one he alone should do the Police work, and the Shekdar Patel has been ordered to do the regular duties. In case Subbe Gowda does not consent to do the Police work it may be given to Madaiah Shetty who will be the chief Patel. In case Madaiah Shetty refuses to do both Revenue & Police work he may be suspended and a 3rd person appointed in anticipation of

anticipation of Govt sanction, and work taken from him."

The Petitioner states as follows:-
That his father and grandfather were Patels of the above village that they afterwards gave up the post afterwards for some reasons not known to the Petitioner; that in the year 1862 one Gangaram Inada Shelly was appointed Patel; that up to the year 1874 he was the Patel of the above village; that in the year 1875 the Amildar of Dharwar inspected the village and found that Inada Setty was not looking after the post properly and reported the matter to Captain Shaw, the then Sub-Division Officer; that upon this the Amildar sent for the Petr and told him that in case he carried on the Sayer duties and certain road works satisfactorily his hereditary Patelki would be restored to him; that upon this Petr took up the post and carried on the work satisfactorily; that in the year 1895 Petr was appointed to the post; that upon this Inada Shelly and others petitioned the Talukd Sub-Division Officer against this; that after this it was ordered that the Petr & Inada Shelly should jointly look after the post; that according to this the 2 Inada Shelly were looking after the post till the year 1893; that in that year Inada Shelly having petitioned the Dy Commr he was pleased to order that Inada Shelly alone should be the Patel and that the Petrs case would be taken into consideration if there was any necessity to divide the village into two portions after the Survey & Pucka Potgi Settlements; that upon this Petr appealed to this Office in Appeal No 116 of 1896; that according to the decision of Govt set forth in a Notification published in the Mysore Gazette, it is said that the Petr & Inada Shelly should jointly look after the post; and that upon Petrs application to the Deputy Commr for the execution of the above order he was pleased to order that the Petr may be given the post of Police Patelki and that in case Petr refused to accept it the same might be given to Inada Shelly in addition to the Revenue Patelki and that in case the latter refused to do both the duties they might

they might be entrusted to a 3rd man in anticipation of Govt sanction.

Prays that Govt may be graciously pleased to examine the records of his case including his appeal No 116/96 and order thereon and pass an order establishing his claim to the Patels enjoyed by his father and paternal grandfather.

Adds that in the deposition given by Dada Shelly he says that he is a new Patel.

BL

Rel 1596 (N.S. 113 of 95-)
4,,,2 draft 20-03-96
5-3-96

MYSORE DEWAN'S OFFICE,

PETITION DEPARTMENT

(9)

OFFICIAL MEMORANDUM.

The accompanying Appeal Petition No. 288 dated 10-2-96 received at the Dewan's Office from Subbegowda, Patel of Alagure village, T. Narsipur Taluk, appealing against the Mysore Deputy Commissioner's order regarding the Patelship of the above village,

is forwarded, together with its one enclosure, to the Deputy Commissioner of the Mysore District for submission of the entire proceedings connected with the case, together with a full report of the facts of the case, and on the points urged in the petition.

2. The petition with its enclosure should be returned.

By order,

draft

for Chief Secretary.

BANGALORE,
5-3-1896.

2-3-96

M.G.C.P.B.—25-4-95—1,000

Pet. 103

No. 294
Enclosures No. 2 and record.

DEPUTY COMMISSIONER'S OFFICE,
MYSORE DISTRICT,
Dated Mysore 11th August 1896.

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1 C

To

The Secretary to the Government of Mysore,
Revenue and General Departments.

SIR,

With reference to Government Memo: No Pet 1596 dated the 3d March 1896, forwarding for report, the petition of Subbégonda of Mugur in the T. Nanjanpur Taluk, regarding the patel of that village, I beg to state as follows:-

2. There were two patels in Mugur doing the patel duties jointly, viz (1) Madasetty and (2) Subbégonda. In 1892-93 a dispute arose between them as to the duties each had to perform.- Madasetty petitioned the former Deputy Commissioner to the effect that he should be allowed to do the revenue duties and ~~that~~ Subbégonda the police work.- That officer decided that for the time being one patel was sufficient & that the claim of Subbegonda, the 2d patel might be considered, if necessary, on the advent of the survey settlement.- Subbé

gonda

gonda thereupon appealed to Government stating that as both he and Madasetty had been doing the patéle duties jointly, he should be allowed to continue as patél. This formed the subject matter of the appeal suit, No 116 of 1892-93, wherein the Government decided that both Subbégonda and Madasetty should remain in office till the potgi settlement was made, the duties of the office being divided between them, with reference to para 3 of Government order dated the 3d January 1894 -

Service No 6 in file

3. In carrying out the above order, the former Deputy Commissioner appointed Madasetty to do the revenue work and the petitioner, Subbagonda, to do the police work. After a good deal of hesitation the latter consented to do the police work. This was before the Amildar on the 22d October 1894. The Amildar reports that since then both of them have been doing their respective duties, as above arranged.

4 The petition received with the Memo: under reply and the Vernacular correspondence on the subject

are

35

are hereunto returned

I have the

(Sd) B. K. Venkatāvaradiya

Dy Comr

Mysore

2881
3-9-96

(8)

Two rupees stamp affd.

2881

Ref. 113 of 1995-96

116

ನಮಗೆ ಈ ರಜೆಗಳಲ್ಲಿ ನಮ್ಮ ಹಳ್ಳಿಗೆ ಹೋಗಿ ಬರಲು ಅವಕಾಶ ಕೊಡಿಸಬೇಕಾಗಿ ವಿನಂತಿ.

ನಿಮ್ಮ ವಿಶ್ವಾಸಿ
ಸಿ. ಬಿ. ಪಾಟೀಲ

(14)

Proceedings of the Govt of Mysore

Read:

Petition dated 10th February 1896 from Subba Gowda of Mysore in the T. Narsipur Taluk appealing against the order of the Deputy Commr of Mysore directing the petitioner to do the Police Patel duties and Madesetti the Revenue Patel duties of the said village

(2) Letter no 2.94 dated 11th August 1896 from the Deputy Commr of Mysore reporting on the above petition.

Order No. 2444
P. 3708-93
Business sheet filed 18/23-9-96.
Order

Captain Chaus's order appointing the petitioner as Patel which is said to have been on the ground that his father and grandfather officiated

as Patels was approved by Govt. This appointment was brought about because it was found that Mada Setti was not doing his duties in connection with the Sayer Collections properly. Even when the duties were distributed between them in accordance with the Govt order on the point, Mada Setti refused to do the Police work on the ground of his inability. If he is unable to do any portion of the legitimate duties of a Patel Mada Setti should be dealt with as being unfit to remain as Patel. It is not right that Subba Gowda should be deprived of the work he was doing efficiently till then. Mugur is a large village with a revenue of 6375ff and a population of 3751 [illegible]

Subba Gowda is known to be a respectable person having local influence. He should be put in charge of the Revenue work Madasetti being deputed to do the Police duties. A report should be submitted if deemed necessary six months hence as to how Madasetti does his work.

Draft 1-9-96

C2 Secretary

To The Deputy Commr Mysore Dist with records

Endorsement to Petitioner

RCh
27.8.96

P 9-5-98

Petition 26-1-98.

Log C. S. 23/12/97

References

97/98

AK 10/1/98 Mark

Genl: Rds

Please Partap DJ/108/93.

11/1/98.

Bottom File No 108/93-94

Partap RB 11/1/98

11-1-98

Subject

1) Application for review of the order of the 1st Councillor (Revenue) in the file presented to the Hon'ble the Maharaja Regent- dated 15-2-97 - Duly (Transfer/Pass)

14.1.98

2) The review petn was received after the prescribed time on 27/3/97 & was thus out of time by more than 3 months, the case having been disposed of by the 1st Councillor on 3/9/96.

Sd/- 1st Councillor

18/1/98

Red for order 19/1/98 End. issued vide separate sheet

RL 7/Mr 18/1/98

Mark 19/1/98 Perused the case & in view of the long delay in the receipt of the petition I decline to review

19/1/98

(16)

1898

No. 630

Name of Petitioner Madasetty

Village Moogoor

Taluk T. Narasipur

District Mysore

Date of Arzi 15-2-97

Date of Receipt 3-1-98

Date of Disposal

No. of Enclosure one file

ABSTRACT

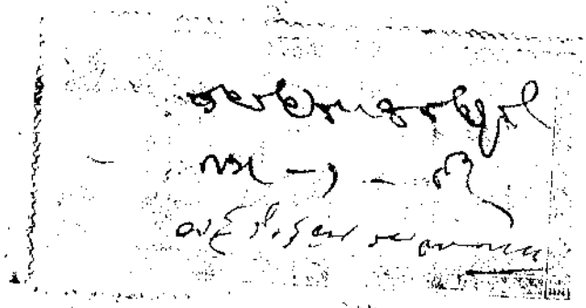
Review petition against the decision of Councillors in order No: 2464 dated 1-9- DJ. 108-93 in re the office of Patail of Moogur Village Tirumakoodal Narasipur Taluk

Prays that this appeal may be disposed of by Either the Maharaja Regent or the Diwan and that the order against which this review petition has been filed may be suspended till disposal of this appeal

8/1/98

No. 1630

No 752



MYSORE DEWAN'S OFFICE
PETITION DEPARTMENT
REG'D. No 1630 R
DATE 3-1-94

Works Secretary

Petn filed 13-12-93

1.

2. (1)

(2)

(6)

(6) [illegible]

(7) [illegible]

(8) [illegible]

3.10.96 dated 10/112 from the Executive Engineer,
Public Health Division, Kanpur, the Executive
Engineer, Public Health Division, Kanpur, has
been directed to pay the amount of the
bill to the petitioner. The petitioner has
not been paid the amount of the bill
so far.

(3) 1896 Ram Prasad Gupta, the petitioner
in the present writ petition, is a
contractor who has been doing the
work of construction of roads and
drains in the Municipal Board, Kanpur.
He has been awarded the contract
for the work of construction of
roads and drains in the Municipal
Board, Kanpur.

(4). The petitioner has been awarded
the contract for the work of
construction of roads and drains
in the Municipal Board, Kanpur.
The petitioner has been awarded
the contract for the work of
construction of roads and drains
in the Municipal Board, Kanpur.

(5) The petitioner has been awarded
the contract for the work of
construction of roads and drains
in the Municipal Board, Kanpur.

6.

15-2-1897

In the court of the Regent Mahakani

Misc Petition No. of 1896/97

Appellant :- Madachelly residing at
Mugur T. Karaikpur Taluq.

Vs.

Respondent :- Subbegowda also
residing in the said village

The appellant abovenamed begs to appeal to this honourable court against the decision of the Councillors in order No. 2466 P.F. 108-93 dated the 12th September 1896 for the following reasons:-

I (1) The order of the Councillors was passed upon an appeal filed by the Respondent on 10-2-96 against the order of the Deputy-Commissioner of Dharwar in No. 321 of 15/13-8-96. The Respondents appeal was therefore clearly barred by time and the order of the Councillors is therefore illegal.

(2) Against the said order was made without any notice to the appellant, and is therefore opposed to law, justice and equity.

II Moreover the grounds mentioned in the order are not supported by any facts or evidence.

(a) It is said that ~~the~~ Subbegaw d was given the patelky, because his father and grandfather were doing the patel duties. This is not true. His father and grandfather were not patels of this Village or any other Village; there is no documentary evidence or records to prove this nor is there any other evidence in support of this. All the records go to prove that appellant was the patel (vide docket of ~~the~~ Talaka d Gen No 3640 Register No 1912 dated 27.11.1868 and other papers).

(b). It is said that the Government confirmed the patelky of the respondent. It is not so. If anything has been done for him, he has been appointed a police patel as per his application with deputy Commissioner of Customs No 4917/798 dated 30th May 1875. He has never been appointed to do the duties of Revenue patel, which is the task and duty of the appellant and to which the respondent has no right whatever.

(6) It is said that the appellant did not satisfactorily do the Sayer Collection duties and that was the why the respondent was appointed a patel.

This is not a fact. Appellant was never guilty of any breach of duty

He has all along done his duties satisfactorily. There is no record or evidence to prove the appellant's misconduct. On the other hand it is a record that the appellant's conduct was very satisfactory and that he did his duties with fullest satisfaction (Vide Talakad Amildars ~~record~~ order No. 854 dated 1.12.76; W.O. No. 100/42 of 3.10.94 and other papers)

(b) It is said that even when the duties of appellant were denied, appellant refused to do police duties this is not so. appellant only said that that the respondent declared to do the police duties, he would do them, give his supply and that if respondent declared to do the police duties, the appellant would look after those duties also (Vide appellant's depositions before the amildar T. Narasipur dated 26.9.94) Moreover the appellant can not do the police duties until and unless the respondent gave his resignation for the same or the Govt. dispensed with his services, appellant is fit and ready to do both the revenue and police duties as prayed.

(6) It is said that it would be improper to dismiss ex-parte the respondent's services who have been in service till 1926.

What was the duty that he was doing? Did not the police patel's duty? The records ~~on~~ confirm this fact. He was never doing the Revenue patel's duties. The Councillors did not peruse the records on this point and their attention was not drawn towhere and hence this order that appellant should do the police patel's duties and respondent those of Revenue patel is incorrect.

(7) It is said that respondent is a respectable man etc. The appellant is inferior to none in the matter of respectability, prosperity and local influence. He has a well educated son also.

(8) That the appellant is khadeem Revenue patel and the respondent a newly appointed police patel is evident from the following records. It is thus evident that the above order of the Councillors is based on the records is in fact opposite the letter of record is illegal as being time barred

and passed by the Court which ought to be
by the appellant and is otherwise
offensive to law and to the Justice
and equity and is liable to be Cancelled.

The appellant therefore prays that
this appeal of his may be disposed
of by the Hon'ble Rani Regent or the
Dewan and not by Mr. Krishna-
swamy who passed the order appealed
against.

He further prays that the order
appealed against may be brought into force pending
disposal of this application
(The appellant has produced
some of the records above referred
to which were in his possession).

15th Feb 1897
Mysore

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create unnecessary dissensions and claims to make a dual appointment just now. It is therefore desirable to leave the hereditary revenue Patil undisturbed till such Revenue Settlement with the remark that Subbeyawa's claims for the joint-Patelship shall be given effect to if the Village should be divided into two divisions for Police purposes - Vide order in Rev. appeal No. 12 of 1892-93.

Against this order Petitioner Subbeyawa has appealed on the following grounds.

1. There was no complaint or dispute about Patelship and the question was unnecessarily invoked by the Amildar in a dispute between the two Shanbogues of the Village.

2. The Assistant Commissioner did not appoint the Petitioner as joint Patel, but only stipulated as to how the two Patels were to do their duties.

3. The Counter petitioner appealed against the order of the Asstd. Comr. directing the two Patels to do the duties together and not against the order appointing the Petitioner as joint Patel.

4. The Dy. Commissioner overlooked the fact that the Counter Petitioner admitted that the Petitioner was Patel but contended that he was Police Patel and not Revenue Patel.

5. The Petitioner was appointed as Patel by Capt. Shand and this appointment was confirmed by the Dy. Commissioner on 15th June 75 and he continues to do duties of Patel since then.

The Petitioner has produced orders, reports

In giving effect to the above order the Amildar Examined the two patels - Subbe Gowda agreed to the arrangement but Venkata Reddy contended that he had been conducting Collection work for the past 30 years, that Subbe Gowda never did the above work, that he was simply appointed as patel when the Layout revenue had fallen, that Subsequent to the Rev. Code came into force the late Amildar made him responsible for the collection work by getting a mooch-ilika Executed by him and that he would not like to do work jointly with Subbe Gowda.

Patel Madadeva appealed against this order to the Dy. Commissioner on the following grounds.

1. That the order of the appellate Court permitting Subbe Gowda to do the collection and other revenue work, is opposed to the right of the appellant and to the practice long existing in the village.
2. That Subbe Gowda is the patel doing only police duties, while the appellant solely confined himself to collection and other revenue work.

The Dy. Commissioner on hearing the parties and their witnesses and on perusing the Exhibits filed by them & other records, passed the following order.

3-1-93

The Taluk has been surveyed but not yet settled, and it is doubtful whether the village, though having large land revenue of over 6000 Rs., will be divided into two Sims in the Taluka Police. I think it